



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**2 Alyssa Kilner (Guard/E) Case No. 04CEPR00329****Attorney Teixeira, J. Stanley (for Debra Kilner and Michael Kilner – Co-Guardians)****Probate Status Hearing Re: Filing of the Final Account and Report of Guardian**

	<b>DEBRA KILNER, and MICHAEL KILNER,</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	paternal grandparents were appointed co-guardians of the estate on 10/04/2004 with funds to be placed in a blocked account.	
	Letters issued 10/05/2004.	1. Need Final Account and Report of Guardian or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>	Final Inventory and Appraisal filed 06/14/2005 shows an estate valued at \$97,092.92.	
<b>Aff.Sub.Wit.</b>	Receipt and Acknowledgement of Order for Deposit of Money into Blocked Account filed 06/14/2005 shows \$97,092.92 deposited into Educational Employees Credit Union.	
<b>Verified</b>	An Ex Parte Petition for Withdrawal of Funds from Blocked Account, filed by Alyssa Kilner, was denied by the Court on 11/10/2015 and the Order set this Status Hearing for the filing of the Final Account and Report of Guardian.	
<b>Inventory</b>	Clerk's Certificate of Mailing was sent to the following persons on 11/13/2015:	
<b>PTC</b>	<ul style="list-style-type: none"><li>• Alyssa D. Kilner (ward)</li><li>• Michael Kilner (co-guardian)</li><li>• Debra Kilner (co-guardian)</li><li>• J. Stanley Teixeira (Attorney for co-guardians)</li></ul>	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 01/12/2016
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 2- Kilner</b>

**Status Re: Filing of the Inventory & Appraisal and First or Final Account**

<b>DOD: 11/13/07</b>	<b>CAROL R. VELASQUEZ-CERDA</b> , daughter, was appointed Successor Administrator with full IAEA and without bond on 10/22/15. Letters of Administration were issued on 10/30/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need First/Final Account and Petition for Distribution and/or current status report.
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>CORA VELASQUEZ</b> , spouse, was appointed Administrator on 02/26/08. Cora Velasquez died on 10/21/14.	
<input type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Inventory &amp; Appraisal, final, filed</b>	
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>12/15/15 - \$92,500.00</b>	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/12/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6- Velasquez</b>

**Petition for Visitation**

<b>Age: 7</b>	<b>ANTONIO CONTRERAS</b> , Guardian, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Petitioner is Spanish speaking.</b>
		<b><u>CONTINUED FROM 12/10/15</u></b>
<b>Cont. from 121015</b>	<b>ANTONIO CONTRERAS</b> , non-relative (father of Ulises' siblings), was appointed Guardian on 03/10/10. Mother, <b>RAINA SALINAS</b> , was granted supervised visitation from 3-5 pm on Saturday's at Guardian's home.	<b>Minute Order from 12/10/15 states: The Court grants permission for Petitioner to notice Raina Salinas, mother, via facebook message. The message must include the date, time, place, address, department, and reason for the hearing, along with an offer to provide a copy of the petition. A copy of the message is to be brought to court on 01/14/16.</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	x	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	On 07/02/14, <b>RAINA SALINAS</b> , filed a Petition for Termination of Guardianship. On 09/04/14, the Court [Judge Culver-Kapetan] extended Ms. Salinas' visitation from Saturday at 3pm to Sunday at 6pm. Her Petition for Termination of Guardianship was denied on 03/05/15. <b>Minute Order from 03/05/15</b> states that Ms. Salinas moved to Florida.	1. Need Notice of Hearing and proof of service at least 15 days prior to the hearing on Mother, Raina Salinas.
	<b>Petitioner states</b> [see file for details].	2. Copy of facebook message attached to Declaration of Due Diligence filed 01/11/16 does not include the Department, reason for the hearing, or an offer to provide a copy of the Petition as instructed per the 12/10/15 minute order.
	<b>Declaration of Due Diligence filed 01/11/16</b> attaches copies a message sent via facebook to two different profiles for Raina Salinas.	3. The Court may also require notice to the father and other relatives.
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/12/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 - Chavez</b>

Notice of Motion and Motion to Be Relieved as Counsel

		<p><b>DAVID N. KNUDSON</b>, Attorney For Administrator <b>GWEN G. HEMMINGER</b>, is Petitioner.</p> <p><b>Petitioner states</b> since the beginning of the year he has counseled his client on tasks that need to be undertaken to move the administration of the estate along. He has sent several letters and email communications. Since the first of this year, he has had minimal response from his client. The two times he has spoken to her by phone, she has told him that she would be providing information and taking actions to fulfill her duties as administrator. However, he has not received the promised information nor have necessary actions been taken.</p> <p>Attorney Knudson states he has been contacted by counsel for one of the other beneficiaries that his client is considering filing a petition to remove Mr. Knudson's client as Administrator. Mr. Knudson has advised his client of that fact by email and US Mail, but has received no response.</p> <p>Petitioner believes communications have broken down such that he can no longer represent his client in this matter.</p> <p>Petitioner states civil litigation to recover assets is being handled by Attorney Kim Mayhew of Lang, Richert et al, in 15CECG00450.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 11/19/15:</b> Mr. Knudson reports that Gwen Hemminger contacted him this morning stating that she has had health issues but is now ready to act. Mr. Knudson is willing to stay on to assist Ms. Hemminger through her final accounting, but requests that his motion to be relieved be continued. The Court orders all of Ms. Hemminger's powers are suspended except for the writing of checks to cover costs. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.</p> <p><b>Note:</b> On 12/3/15, the Court withdrew Ms. Hemminger's powers that were reserved to cover costs and ordered Lisa Green, Successor Administrator, to issue checks to cover the costs.</p> <p><b>Note:</b> See Page B re status of final account.</p>
Cont. from 110415, 111915			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1/12/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11A – Green</b></p>	

<b>DOD: 1/09/13</b>	<b>JACKI DRIVER</b> , girlfriend, was appointed Executor with full IAEA and without bond on 12/05/13. Letters Testamentary were issued on 12/05/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 080714, 092514, 120414, 062515, 092415</b>	<b>Inventory &amp; Appraisal filed 11/25/14 - \$262,500.00</b>	<u>Note:</u> Minute Order 12/4/14 indicates that an amended Inventory and Appraisal will be filed.
<b>Aff.Sub.Wit.</b>	<b>Status Conference Statement filed 12/31/15 by Attorney Pinion states</b> the decedent passed away on 1/9/13. His girlfriend Jacki Driver was to receive all of his property pursuant to the will.	<u>Minute Order 9/24/15:</u> The Court admonishes Mr. Pinion that sanctions will be imposed the next time a verified status report is not filed as ordered. Mr. Pinion represents that he is in litigation with Mr. Krbechek and will be filing a demurrer. The Court orders that if a final I&A is not filed at least two court days prior to 1/14/16, then a status report verified by the Executor must be filed, and both Mr. Pinion and the Executor would be ordered to be personally present or appear via CourtCall on 1/14/16.
<b>Verified</b>		<u>Note:</u> A Status Conference Statement was filed 12/31/15 by Attorney Pinoin; however, it is not verified by the attorney or the Executor. See center column.
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	At the time of his death, the decedent was a one-half owner on title along with his sisters, Mary Ann Kozera and Donna Rusconi Johnson, who each owned 25%, in a 40 acre parcel in San Joaquin, CA. The property was originally willed to Robert Rusconi, Henry Rusconi, Mary Ann Kozera, and Donna Rusconi Johnson by their parents.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>	On 12/8/11, Henry Rusconi deeded his 1/4 interest to the decedent, Robert Rusconi. This real property interest is the only real asset of this estate.	<u>The following issue remains:</u>  1. <b>Inventory &amp; Appraisal filed 11/25/14 is marked that it is a final Inventory &amp; Appraisal, however item 3 is marked that the assets inventories only represent a portion of the estate. Therefore it appears that there may be additional estate assets to inventory. Need clarification and/or amended final I&amp;A.</b>
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	The estate has filed a partition action in 14CECG03038. The decedent's two sisters have filed another action against the estate alleging waste in 14CECG02477. The decedent's brother Henry Rusconi has also filed suit against the estate alleging Henry was defrauded by his deceased brother out of his interest. All three of the Rusconi siblings are represented by Attorney Randolph Krbechek.	
	These matters are now being consolidated in an effort to try to resolve all issues in one suit. Once consolidated, responsive pleading will be filed and ownership and sale of the property should then be resolved either by negotiations or trial. Once resolved, a final probate accounting should be able to be filed and the probate closed.	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		<b>Reviewed on:</b> 1/12/16
<b>Citation</b>		<b>Updates:</b>
<b>FTB Notice</b>	Pursuant to the Court's request, Jacki Driver will be available by telephone for the status conference.	<b>Recommendation:</b>
		<b>File 13A – Rusconi</b>

<b>DOD: 1/9/13</b>	<b>JACKI DRIVER</b> was appointed Executor with Full IAEA without bond on 12/5/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont from 020615, 062515, 092415</b>	At the hearing on 12/5/13, the Court set this status hearing for the filing of the first account or petition for final distribution.	<b>Minute Order 9/24/15:</b> The Court admonishes Mr. Pinion that sanctions will be imposed the next time a verified status report is not filed as ordered. Mr. Pinion represents that he is in litigation with Mr. Krbechek and will be filing a demurrer.
<b>Aff.Sub.Wit.</b>	<b>Status Conference Statement filed 12/31/15 by Attorney Pinion states</b> the decedent passed away on 1/9/13. His girlfriend Jacki Driver was to receive all of his property pursuant to the will.	
<b>Verified</b>		<b>Note:</b> A Status Conference Statement was filed 12/31/15 by Attorney Pinion; however, it is not verified by the attorney or the Executor. See center column.
<b>Inventory</b>		
<b>PTC</b>		1. Need first account or petition for final distribution pursuant to Probate Code §12200 or verified written status report pursuant to Local Rule 7.5.
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	At the time of his death, the decedent was a one-half owner on title along with his sisters, Mary Ann Kozera and Donna Rusconi Johnson, who each owned 25%, in a 40 acre parcel in San Joaquin, CA. The property was originally willed to Robert Rusconi, Henry Rusconi, Mary Ann Kozera, and Donna Rusconi Johnson by their parents.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>	On 12/8/11, Henry Rusconi deeded his 1/4 interest to the decedent, Robert Rusconi. This real property interest is the only real asset of this estate.	
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>	The estate has filed a partition action in 14CECG03038. The decedent's two sisters have filed another action against the estate alleging waste in 14CECG02477. The decedent's brother Henry Rusconi has also filed suit against the estate alleging Henry was defrauded by his deceased brother out of his interest. All three of the Rusconi siblings are represented by Attorney Randolph Krbechek.	
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>	These matters are now being consolidated in an effort to try to resolve all issues in one suit. Once consolidated, responsive pleading will be filed and ownership and sale of the property should then be resolved either by negotiations or trial. Once resolved, a final probate accounting should be able to be filed and the probate closed.	
	Pursuant to the Court's request, Jacki Driver will be available by telephone for the status conference.	

Attorney Tekunoff, Daniel J. and Paul Pimentel (for Petitioner Robert Chung)  
 Attorney Krbechek, Randolph (for Respondent Susan Hanley)

**Probate Status Hearing RE: Resolution of the Case and Surcharge Issue**

<b>Helene Chung</b> <b>DOD 10-6-12</b>	On 07/16/14, <b>ROBERT CHUNG</b> , Beneficiary and named successor trustee, filed a <b>Petition for Removal of Trustee, Accounting, Surcharge to Trustee for Damage to Estate, Damages for Breach of Fiduciary Duty, and Appointment of Successor Trustee.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>CONTINUED FROM 09/24/15 Minute Order from 09/24/15 states: Counsel requests an additional 90 days for a second mediation and represents that progress is being made.</b>
<b>Cont. from 092415</b>	At the Hearing on 09/02/14, no Response having been filed and no appearances made by Respondent, the Court granted the Petition.	1. Need updated status report.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	On 10/01/14, Respondent, <b>SUSAN HANLEY</b> , filed a Notice of Motion and Motion for Order Setting Aside and Vacating Order Removing Trustee and supporting documents.	
<input type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	On 10/21/14, the Court vacated its previous Order removing Susan Hanley as trustee.	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Verified Answer to Petition for Removal of Trustee, etc.</b> was filed by Susan Hanley on 11/06/14.	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>	<b>Minute Order from hearing on 12/02/14</b> set the matter for trial on 03/13/15.	
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	<b>Minute Order from trial on 03/13/15</b> set this status hearing re Resolution of the Case and Issue of Surcharge and states: Parties have reached an agreement as to the removal of the Trustee and have a formal written resignation; a written stipulation is being circulated for signatures. Counsel are to file written Status Reports at least 2 court days prior to 09/24/15.	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>	<b>Status Conference Statement</b> filed 09/23/15 by Respondent, Susan Hanley, states: the parties are continuing to resolve their differences. There was a prior mediation which resulted in a partial resolution of issues. There are additional issues to be resolved, including the disposition of the real property held in the trust. A second mediation session may be required. A 90 day continuance until at least 12/17/15 is requested.	<b>Reviewed by:</b> JF
<input type="checkbox"/> <b>FTB Notice</b>		<b>Reviewed on:</b> 01/12/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 17 – Chung</b>



<b>DOD: 5-29-12</b>		<b>LORI SHIBATA</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Page A</b> is Trustee Lori Shibata's Petition for Instructions.  <b>Page B</b> is Trustee Lori Shibata's First Account.  <b>Minute Order 12/10/15:</b> Mr. Knudson represents that the parties have settled and counsel is working on a few details. The Court grants one last continuance.  <b>Note:</b> As of 1/12/16, nothing further has been filed.  <b>Note:</b> On 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees (for objections to both petitions) until it is determined if Ms. Lee is entitled to any compensation from the underlying action.  <b>Attorney Rube's status report filed 9/9/15 states:</b> The trustee provided the documents requested by Mr. Knudson. The Wells Fargo checking acct has a balance of \$3,204.51 and savings has a balance of \$1,303.24. There are no other liquid assets in the trust. The estimated cost to repair the residence is approx. \$14,000 (estimate attached). The parties, by and through counsel only, have met in order to try to resolve the matter. Petitioner has offered to deed the subject real property over to respondent and terminate the trust. Petitioner does not want to try this case as there is no money to litigate further. If respondent is unwilling to accept the house "as is" and terminate the trust then Petitioner is willing to submit on the verified petition, objections, account, etc., for the court's decision.  <b>1. Petitioner requests costs. The Court may require clarification or itemization.</b> <b>2. Need order.</b>
<b>Cont from 111314, 031815, 041615, 052115, 070915, 091015, 100115, 110515, 121015</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Petitioner states:** Michael A. Lee established the Michael A. Lee Declaration of Trust dated 5-27-11 and was the initial trustee until his death on 5-29-12. The Trust is now irrevocable.

The sole remainder beneficiary of the trust is Alyssa Lee, who is currently 20 years old. The trust provides that all remaining assets of the trust are to be held in trust for the benefits of Alyssa Lee, with income to be used for her support, including educational, medical, dental, hospital, and nursing expenses. One half of the trust's assets are to be distributed to Ms. Lee at age 30, free of trust, and the other half are to be distributed to Ms. Lee, free of trust, at age 35.

Petitioner states the only assets of the trust are a Wells Fargo checking account containing approx. \$18,000.00 and residential real property in Fresno appraised at \$140,000.00. The trust's only income is the interest earned on the checking account, which is negligible at best. The residential real property is vacant and in very poor condition and cannot be rented until deferred maintenance is done and substantial repairs are made. Monthly expenses including utilities and gardening amount to approx. \$165 per month or \$1,980 per annum. Property taxes for 2013 amounted to \$1,502.28 annually or approx. \$125 per month. Expenses to provide for the care of Ms. Lee in compliance with the trust consist of the payment of her health insurance premiums of \$281 per month or \$3,372 per year.

On 3-5-13, Robyn L. Esraelian, attorney for Petitioner, sent a Notice of Proposed Action Pursuant to Probate Code § 16500 to Ms. Lee informing her of Petitioner's proposed action to list the property for sale. However, Ms. Lee objected in writing to the sale.

**SEE ADDITIONAL PAGES**

**Page 2**

Petitioner states the trust does not contain enough liquid assets to pay the maintenance and repairs on the home to make it habitable and income-producing, to pay current trustee's fees, and to meet the monthly obligations associated with the residence and the beneficiary. If repairs are made, the residence could probably only be rented for no more than \$950/month, which would not generate enough income to pay the monthly expenses as outlined above and ongoing costs of administration such as property management fees and trustee's fees, and would certainly not generate enough income to fulfill the intent of the Trustor.

Petitioner states selling the subject residence and investing the net sales proceeds would generate sufficient principal and income to fulfill the intent of the Trustor to provide for Ms. Lee as set forth in Article Five, Paragraph C of the Trust.

**Petitioner prays for an order:**

- 1. Directing her, as Successor Trustee of the Michael A. Lee Declaration of Trust, to sell the residential real property located at 773 E. Ellery in Fresno, CA;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

**Beneficiary Alyssa Lee filed an Objection on 12-12-14. Ms Lee states** she is aware of the condition of the residence and cost to maintain it, and has proposed that she or a family member be allowed to live there at a fair rental value. Respondent believes rent of \$1100/month, offset by utilities and gardening, would result in a net rental income to the trust of \$800-900, which would generate income for payment of taxes and insurance. Respondent believes that at a reasonable rental, a tenant would be responsible for gardening and property maintenance and would pay their own utilities, eliminating those expenses for the trust. Respondent also believes the sum of \$151,000 is less than fair market value, even considering the necessary repairs. Zillow.com shows the current value at \$185,000.

The residence was Respondent's father's residence and is a very meaningful property to her. She has offered to handle repairs, maintenance and upkeep, through rental, but the trustee continues to refuse to consider the beneficiary's wishes and/or cooperate with her in maintaining the residence. See email communications.

The actions of the trustee in failing to consider the wishes of the beneficiary and adopting an authoritarian and imperious attitude raise the issue of whether the trustee is in violation of the "Duty of Loyalty" Probate Code §16002(a) which requires that a trust be administered solely in the interest of the beneficiaries.

Respondent states sale of the residence resulting in proceeds to be invested over time exposes the trust to market risk. Respondent doesn't believe that a sale would further the interests of the Trustor in providing for Respondent as beneficiary. The Trustor, Michael Lee, was Respondent's father. She has a strong emotional attachment to the residence, and would like it maintained and preserved.

Respondent states she has requested information concerning the assets of the trust, but to date has received no specific or verifiable responses from the trustee about certain issues, including account balances at her father's death. Accounting information shows round numbers, but source documents have not been provided, and bank accounts seldom have round numbers. Respondent has requested information concerning personal property passing to her and her brother, and prepared a list of items known, but the trustee has failed to respond to her request for information.

**SEE ADDITIONAL PAGES**

**Page 3**

Respondent states her father had a truck that is not shown as an asset of the trust. Prior to his death, her father made statements that, "they took my car." No information has been provided regarding the vehicle.

Respondent states she was advised that at or about the time of his death, her father had placed \$40,000 in two envelopes, \$20,000 each, for each of his children. Respondent has requested information regarding those envelopes, but the trustee has failed to provide information, although the trustee has acknowledged that the envelopes existed. This money should be accounted for as trust asset.

Counsel for the trustee has twice provided accounting information about the trust. In fall of 2012, following the Trustor's death, information was provided regarding accounts and expenses incurred by the trustee (attached). In January 2014, an "informal accounting" provided additional documentation of transactions through the end of 2013. Total cash at that point was \$30,882.88. This petition indicates assets have decreased to \$18,000. The accounting is not prepared in the form prescribed by the Probate Code and failed to show the required information.

Accordingly, Respondent requests the trustee prepare an accounting in the form prescribed by law. Respondent also requests the Court review the appropriateness of the fees charged by the trustee (\$60/hour or \$5,185.20).

Petitioner requests reimbursement for costs. Respondent believes costs may be payable by the trust.

**Respondent requests that:**

- 1. The Court deny the petition for instructions in so far as it requests authority to list and/or sell the property and instruct the trustee to maintain and rent the residence at an appropriate rental;**
- 2. That the trustee be ordered to provide additional information concerning the trust assets and administration issues, together with additional information concerning the trust assets;**
- 3. That the trustee be ordered to file and serve on the beneficiary a revised accounting showing the assets on hand at date of death, remaining as of closing of the accounting, and to bring the account current through a date not less than 60 days prior to the rendering of the revised accounting;**
- 4. That the Court review the trustee's requested compensation;**
- 5. That the trustee's request for costs be denied; and**
- 6. For all other and proper orders.**

**Atty Rube, Melvin K. (for Lori Shibata – Trustee – Petitioner)**  
**Atty Knudson, David N. (for Alyssa Lee – Beneficiary – Objector)**

**First Account Current and Report of Trustee, Petition for Trustee Fee and for Settlement of First Account Current**

<b>DOD: 5/29/12</b>		<b>LORI SHIBATA</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 12/10/15:</u> Mr. Knudson represents that the parties have settled and counsel is working on a few details. The Court grants one last continuance.  <u>Note:</u> As of 1/12/16, nothing further has been filed.  <u>Note:</u> On 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees (for objections to both petitions) until it is determined if Ms. Lee is entitled to any compensation from the underlying action.
<b>Cont from 041615, 052115, 070915, 091015, 100115, 110515, 121015</b>		<b>Account period: 5/29/12 -12/31/14</b> Accounting: \$222,217.13 Beginning POH: \$217,835.61 Ending POH: \$153,215.26 (\$13,215.26 cash plus residential real property valued at \$140,000.00)	
	<b>Aff.Sub.Wit.</b>	Trustee fee: \$3,870.00	
✓	<b>Verified</b>	Petitioner has been paid \$5,185.20 for services through 12-31-13 and requests \$3,870.00 for services from 1/1/14 through 12/31/14.	
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>	Trustee reimbursement: \$428.94	
✓	<b>Notice of Hrg</b>	Exhibit B-2 itemizes expenses including bills, travel, services. Receipts also attached.	
✓	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>	Petitioner states she has made disbursements for the maintenance of the residence owned by the trust and for the support and maintenance of Alyssa Lee and her minor daughter Ariana. Petitioner, upon taking over as trustee, determined that the real property owned by the trust was not in a condition to be rented to a third party. The cost to repair is approx. \$15,000.00. See inspection report attached. In addition, the sewer is in need of repair to make the real property habitable, which additional cost is \$1,200-\$1,400.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>	Rent would likely be approx. \$950/month. With the cost of property taxes, insurance, manager, yard care, and general maintenance, and health insurance premiums, there would not be sufficient funds to provide for the support and maintenance of the beneficiary and her minor child. See breakdown. The decedent intended that income to the trust was to be used to provide for Alyssa Lee until she was 35. Decedent as trustor authorized the invasion of principal (i.e., the sale of the residence) to accomplish this goal. The primary goal was not to allow Alyssa to live in the house, but to provide income until she reached 35.	
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
<b>SEE PAGE 2</b>			

**Page 2**

Petitioner states she has delivered all personal property to Alyssa Lee as requested, and is unaware of any other personal property referred to by Alyssa Lee. Petitioner has responded to requests for "missing property" on numerous occasions and has advised her that there is no other personal property and nothing has been removed from the home other than the items taken by Alyssa Lee and her mother and brother. Petitioner has responded to Alyssa Lee's inquiries re the truck on several occasions. See Exhibits D-1 and D-2 which show the transfer of the truck to the decedent's parents.

The decedent withdrew money from his checking account prior to his death and delivered the cash to his father. At the time, there was no written instruction as to the disposition of the cash. Therefore, upon his death, his father delivered the cash to Petitioner to deposit to the trust.

**Petitioner prays for an order as follows:**

- 1. Approving, allowing, and settling the First Account;**
- 2. Authorizing the trustee fees and reimbursement;**
- 3. For such other and further relief as the Court considers proper.**

**Objections filed 5-7-15 by Alyssa Lee, Beneficiary, state** the primary asset of the trust is the residence on Ellery in Fresno. From the time of her father's death, Alyssa has repeatedly requested that the house be retained for her eventual use and benefit, but the trustee has rejected those claims and assertions, even when provided information and an agreement by beneficiary and other family members to maintain the residence. Twice she has sought to sell the house by giving notice of proposed action; both times Alyssa has objected. Alyssa also objected to the Petition for Instructions, requesting additional information and an accounting. Alyssa now makes the following objections:

1. Trustee's Fees. The trustee's fees as reported and requested are excessive, both fees already paid, and fees for which approval is requested. Objector specifically references travel time, rate of approx. \$70.36/hr, and food purchases for two persons.
2. Attorney's Fees. While Objector acknowledges that the trustee is entitled to representation and advice in administration of the trust, there is no showing that the attorney's fees incurred were for the benefit of the trust and the beneficiary. Given the circumstances and the overall situation of the trust, it appears the trustee is incurring excessive attorney fees that are not in the best interest of the trust or its beneficiaries.

**SEE ADDITIONAL PAGES**

3. Trustee is not administering the trust in the best interest of the beneficiary and has refused to consider the beneficiary's requests, unilaterally interposing her own will in spite of requests by the beneficiary. Objector believes the Trustee has thwarted and attempted to destroy or remove any memories or links to her father. She was not advised of nor given the opportunity to attend the memorial service; she was not invited to go with the trustee and other family members on a chartered boat trip to dispose of his ashes. See accounting for documentation of funds spent on these events, including boat, luncheon for "Mike's family," limousine service, etc. Various items of jewelry that her father held for in the residence were not given to her, nor has the trustee been accommodating in seeking their return from family members who may have taken them. Prior to his death, Michael Lee was working on remodeling and refurbishing the house. There were various materials, including shelving, flooring, in the house. However, the trustee refused to proceed with any of the work and told Objector and/or Objector's mother that those items would be given away or thrown away. As the materials amounted to a substantial investment, the items were removed and are in storage at Objector's residence to be installed in the Ellery residence.

Objector and her mother also proposed the house be rented to a family member at \$850/month, with the family member to pay for water, garbage, lawn care, but in an email to Objector's mother Elizabeth Rocha-Lee, the trustee displayed a condescending and unyielding attitude. The trustee characterized the proposed rental as sub-par, even though this was an amount determined with reference to deductions for property management fees and other costs based on information provided by the trustee.

Alyssa also presented estimates for repair, which were discarded and discounted by the trustee. Now, after the trust has dissipated more than \$10,000 of available trust cash in carrying costs on the residence, payment of attorney's fees, and trustee's fees for trips back and forth to Fresno, Ms. Shibata now states the trust does not have the money to place the residence in rentable condition. At the time these proposals were made in 2013, there was and would have been sufficient cash to repair the residence with the assistance of the beneficiary and other family members who have an interest in preserving and maintaining it – an interest that the trustee does not share.

Accordingly, the trustee's actions with respect to the residence have not been in the beneficiary's interest, nor consistent with her wishes for preservation of the residence for her eventual long term use and enjoyment.

4. Trustee has been uncommunicative and uncooperative.
- a. In May 2012, the trustee opened an account for Alyssa's benefit, and deposited \$500 into it. However, when Alyssa withdrew the funds for her use, as provided by the terms of the trust, the trustee refused to deposit more funds and then closed the account.
  - b. The trustee persuaded to and did provide Kaiser medical insurance for the beneficiary; however, Alyssa does qualify for Medi-Cal and may determine that private medical insurance is no longer required. Alyssa has a young daughter, who, when born was also covered under Kaiser insurance, however, when that daughter was eligible for Medi-Cal, Alyssa requested that Kaiser for the child be cancelled. The trustee, however, misunderstood and sought to cancel Alyssa's medical insurance.

**SEE ADDITIONAL PAGES**

- c. Other than paying the premiums on the medical insurance, the only benefit the trustee has provided to Alyssa was paying \$376.83 for a stroller, car seat and pay pen for the infant.
- d. The trustee has committed waste. In various communications, a shed was listed as being at the residence, but when the shed disappeared, she claimed she had no knowledge of it. Decedent was known to have had a number of tools, yet upon his death they could not be found. Alyssa believes Lori Shibata permitted other family members (Mike's siblings and parents) free access to the house.

Prior to his death, the decedent made statements to his wife and daughter that "they took my truck." When asked, Lori Shibata stated the truck had been given to his father or other family members. Now documentation appended to the account indicates the Toyota Tacoma was sold for \$1,000 to Raymond Yee, which Alyssa believes is far less than its fair market value.

Other instances of neglect and waste: the account shows the trustee had to address squatters in the residence. Objector previously advised the trustee that the locks were not working, but she did not replace them. Offers of assistance by Alyssa, her mother, and other family members to look after the residence or assist with its care have been rejected. As a result, it has not generated any income.

- e. The trustee has not satisfactorily explained the "missing \$40,000.00." See Objection for details.
5. Objector states the trust is ambiguous; it was not the decedent's intent that the residence be sold. Also, Article II claims no provision was made for Elizabeth D. Rocha Lee and/or Ramon Lee; however, Article 5a provides that personal effects, automobiles, and personal property are to be distributed to his children. The assets of the trust are to be retained with distributions to Alyssa one half at age 30 and the balance at age 35, however, the trust has generated less than \$100 of income during the last two years. The Trust is also ambiguous at Article V(g) which does not indicate any residual takers.

Accordingly, extrinsic evidence can and should be admitted to determine the trustor's intent in executing the trust document and what he meant to provide for his daughter Alyssa.

**Objector requests** that her objections be sustained, that the claimed charges be disallowed, that the trustee be surcharged for excessive and unnecessary trustee's fees and attorney's fees, that the request for approval of additional attorney's fees be denied, that the Court admit extrinsic evidence to construe the terms of the trust and the trustor's intent in providing for the beneficiary, that the trustee be instructed to provide additional information and seek additional information concerning the assets described herein, that the trustee be instructed to cooperate with the beneficiary to attempt to implement a plan by which the residence may be maintained to generate income for the beneficiary and ultimately for her use and benefit, and for all other and proper orders.

See also Declaration of Elizabeth Rocha-Lee in support of objections.

Petition for Letters of Administration, Authorization to Administer under IAEA

<b>DOD: 5/15/15</b>		<p><b>GREGORY REYES</b>, Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.</p> <p>Petitioner is the sole heir and waives bond.</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Clovis, CA Publication: Business Journal</p> <p>Estimated value of estate: Personal property: 500.00 Real property: \$40,000.00 (\$175,00.00, encumbered for \$135,000.00)</p> <p>(Final I&amp;A has been filed already indicating real property only valued at \$175,000.00.)</p> <p>Probate Referee: Rick Smith.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note</u>: The Court will set a status hearing for the filing of the first account or petition for final distribution as follows:</p> <ul style="list-style-type: none"> <li>Thurs, March 16, 2017</li> </ul> <p>(I&amp;A has already been filed.)</p>	
<b>Cont. from 111215</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
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<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 1/12/16
<b>Updates:</b>
<b>Recommendation:</b> SUBMITTED
<b>File</b> 25 - Reyes



**1 Grace Hensleit (Def. Succ)****Case No. 15CEPR01121****Attorney Matlak, Steven M. (for Timothy K. Hensleit and Joan Hensleit Minasian – Petitioners)****Petition to Determine Succession to Real Property**

<b>DOD: 08/11/2015</b>	<b>TIMOTHY K. HENSLEIT</b> , son, and <b>JOAN HENSLEIT MINASIAN</b> , daughter, are petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: This matter will be heard in Dept. 54 at 8:30am.</b>
	40 days since DOD	
<b>Cont. from</b>	No other proceedings	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	s/p	
<input type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>	I&A - <b>\$86,658.60</b>	
<input type="checkbox"/> <b>PTC</b>	Will dated: 01/20/2015 devises entire estate to Timothy K. Hensleit and Joan Hensleit Minasian in equal shares.	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	n/a	
<input type="checkbox"/> <b>Aff.Mail</b>	n/a	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	Petitioners request Court determination that decedent's 100% interest in real property located at 1418 N. Harrison Ave., Fresno, Ca. pass 50% to Timothy K. Hensleit and 50% to Joan Hensleit Minasian.	
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 01/12/2016
		<b>Updates:</b>
		<b>Recommendation:</b> Submitted
		<b>File 1- Hensleit</b>